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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,534	06/25/2003	Alexandre Bronstein	BRONSTEIN.001	4130

7590 02/16/2007
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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/603,534

Applicant(s)

BRONSTEIN, ALEXANDRE

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 11/16/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Response to Arguments

2. Applicant's arguments, see the appeal brief, filed on 11/16/06, with respect to the rejection(s) of claim(s) 1-31 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Goodman, et al. (US 2005/0021649 A1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 21-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodman. et al. (US 2005/0021649 A1).

Regarding claims 1 and 21, Goodman. et al. disclose a method for defense against an unwanted communication comprising identifying a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication (see pars. 0016, 0037-0038); striking back against the beneficiary by sending a communication via the communication channel to the beneficiary. However, Goodman et al. disclose striking back against the beneficiary by sending a communication via the communication channel to the beneficiary (see par. 0016).

Regarding claim 26, Goodman et al. disclose a distributed strike back system, comprising recipient system of an unwanted communication; defense coordinator that obtains an identify request from the recipient system and that in response determines a set of strike back parameters that identify a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication and that sends the strike back

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parameters to the recipient system such that the recipient system performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary (see pars. 0016-18, 0037-0038 and 0044 and explanation in claim 1)..

Regarding claims 2,22 and 27, Goodman et al. also disclose wherein sending a communication via the communication channel to the beneficiary comprising sending a communication via the communication channel that including a request that the beneficiary cease further unwanted communications to a recipient of the unwanted communication (see par. 0016).

Regarding claim 3, Goodman et al. also disclose wherein sending a communication via the communication channel to the beneficiary comprises repeatedly sending the communication in accordance with a set of strike back parameters (see pars. 0017-0018).

Regarding claim 4, Goodman et al. also disclose adjusting a cost imposed on the beneficiary with the communication by adjusting the strike back parameters (see pars. 0017-0018).

Regarding claims 5,23 and 28, Goodman et al. also disclose wherein identifying comprises identifying a money input channel used by the beneficiary to obtain a benefit (see pars. 0017-0018).

Regarding claim 6, Goodman et al. also disclose identifying comprises calling a phone number contained in the unwanted communication (see pars. 0010-0044).

Regarding claim 7, Goodman et al. also disclose identifying comprises accessing a web site specified in the unwanted communication (see pars. 0010-0044).

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Regarding claim 8, Goodman et al. also disclose identifying comprises exploring a web site specified in the unwanted communication to find a web page that is financially important to the beneficiary (see pars. 0010-0044).

Regarding claim 9, Goodman et al. also disclose wherein identifying comprises performing a pattern match on a text of the unwanted communication (see pars. 0016-18, 0037-0038 and 0044).

Regarding claims 24 and 29, Goodman et al. also disclose, wherein the defense coordinator maintains a set of information pertaining to the beneficiary and determines the strike back parameters in response to the information such that the strike back parameters specify an intensity of the strike back against the beneficiary (see pars. 0016-18, 0037-0038 and 0044).

Regarding claims 25 and 30, Goodman et al. also disclose wherein the defense coordinator generates a web page that enables the beneficiary to stop the strike back (see pars. 0016-18, 0037-0038 and 0044).

Regarding claim 31, Goodman et al. also disclose wherein defense coordinator identifies the communication channel by performing a pattern match on a text of the unwanted communication (see pars. 0016-18, 0037-0038 and 0044).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kircher, JR. et al. (US 2003/0195937 A1) teach intelligent message screening

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Q Nguyen
Examiner
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JOSEPH FEILD
SUPERVISORY PATENT EXAMINER